

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH DEWAYNE HODGE,

Defendant.

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No. 3:23-CR-78-KAC-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Kenneth Hodge's Motion to Continue Plea and Other Deadlines [Doc. 198], filed on March 19, 2024.

In support of his motion, Defendant states that defense counsel was appointed on February 22, 2024, after the prior attorney was substituted [*Id.* at 1]. He asserts that defense counsel filed a motion to continue on February 26, 2024, on the grounds that discovery was sizable and asked the Court to reinstate the expired plea deadline to allow time for counsel to meet with Defendant and review discovery [*Id.*]. The Court granted the motion and extended the deadline by approximately thirty days, until March 22 at noon [*Id.*]. Since then, Defendant's motion reflects that defense counsel has met with him to review much of the discovery and requested lab reports which counsel still needs to review with Defendant along with other video evidence [*Id.* at 2]. Therefore, Defendant requests the Court continue the plea deadline by thirty days and to schedule the trial for June or later [*Id.*]. Counsel for the Government confirmed with Chambers via email that he has no objection to the requested continuance. Also, defense counsel confirmed with Chambers via

email that Defendant Hodge understands his right to a Speedy Trial and agrees to the requested continuance.

Based upon the information provided by Defendant Hodge in his motion and because counsel for the Government does not oppose, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Counsel for Defendant needs more time to review discovery with Defendant and to prepare for trial. The Court finds that all of this cannot occur before the April 9, 2024 trial date.

The Court therefore **GRANTS** Defendant Kenneth Hodge’s Motion to Continue Plea and Other Deadlines [**Doc. 198**]. The trial of this case is reset to **June 18, 2024**. A new, comprehensive, trial schedule is included below. Because the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on March 19, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B).

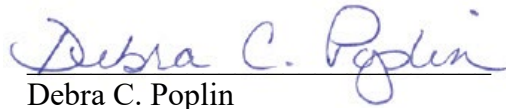
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Kenneth Hodge’s Motion to Continue Plea and Other Deadlines [**Doc. 198**] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **June 18, 2024, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;

- (3) all time between the filing of the motion on **March 19, 2024**, and the new trial date of **June 18, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the new deadline for filing a plea agreement in the record and providing reciprocal discovery is **May 17, 2024**;
- (5) the deadline for filing motions *in limine* is **June 3, 2024**;
- (6) the parties are to appear before the undersigned for a final pretrial conference on **June 4, 2024, at 11:00 a.m.**; and
- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **June 7, 2024**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge